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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (BELLA VISTA WATER)
CORP., AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE FAIR VALUE OF ITS
UTILITY PLANTS AND PROPERTY AND FOR
INCREASES IN ITS WATER RATES AND
CHARGES FOR UTILITY SERVICE BASED
THEREON.

DOCKET NO. W-02465A-15-0367

IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (BELLA VISTA WATER)
CORP., AN ARIZONA CORPORATION, FOR
AUTHORITY TO ISSUE EVIDENCE OF
INDEBTEDNESS IN AN AMOUNT NOT TO
EXCEED \$4,700,000.

DOCKET NO. W-02465A-15-0370

IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (RIO RICO WATER &
SEWER) CORP., AN ARIZONA CORPORATION,
FOR A DETERMINATION OF THE FAIR VALUE
OF ITS UTILITY PLANTS AND PROPERTY AND
FOR INCREASES IN ITS WATER AND
WASTEWATER RATES AND CHARGES FOR
UTILITY SERVICE BASED THEREON.

DOCKET NO. WS-02676A-15-0368

IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (RIO RICO WATER &
SEWER) CORP., AN ARIZONA CORPORATION,
FOR AUTHORITY TO ISSUE EVIDENCE OF
INDEBTEDNESS IN AN AMOUNT NOT TO
EXCEED \$8,900,000.

DOCKET NO. WS-02676A-15-0371

PROCEDURAL ORDER

BY THE COMMISSION:

On October 28, 2015, Liberty Utilities (Bella Vista Water) Corp. ("Liberty Bella Vista") filed with the Arizona Corporation Commission ("Commission") in Docket No. W-02465A-15-0367 an application requesting that the Commission establish the fair value of its plant and property used for the provision of public water utility service and, based on such finding, approve permanent rates and charges for utility service designed to produce a fair return thereon.

On October 28, 2015, Liberty Utilities (Rio Rico Water & Sewer) Corp. ("Liberty Rio Rico")¹ filed with the Commission in Docket No. W-02676A-15-0368 an application requesting that the Commission establish the fair value of its plant and property used for the provision of public water and wastewater utility service and, based on such finding, approve permanent rates and charges for utility service designed to produce a fair return thereon.

On November 2, 2015, Liberty Bella Vista filed with the Commission, in Docket No. W-02465A-15-0370, an application requesting authority from the Commission to issue evidence of indebtedness in a total amount not to exceed \$4,700,000.

November 2, 2015, Liberty Rio Rico filed with the Commission, in Docket No. W-02676A-15-0371, an application requesting authority from the Commission to issue evidence of indebtedness in a total amount not to exceed \$8,900,000.

On November 3, 2015, Liberty filed Motions to Consolidate in both Rate Dockets and both Finance Dockets.

On November 25, the Commission's Utilities Division ("Staff") issued a Letter of Sufficiency stating that Liberty's application had met the sufficiency requirements of Arizona Administrative Code ("A.A.C.") R14-2-103 and that Liberty had been classified as a Class B utility.

On December 3, 2015, the Residential Utility Consumer Office ("RUCO") filed an Application to Intervene.

On December 24, 2015, a Procedural Order was issued consolidating the above reference dockets, scheduling an evidentiary hearing for July 25, 2016, establishing various procedural and filing deadlines, directing the Company to mail and publish notice by March 1, 2016, and granting intervention to RUCO.

On January 20, 2016, a Procedural Order was issued correcting the customer notice set forth in the December 24, 2015 Procedural Order.

On March 28, 2016, the Western Infrastructure Sustainability Effort ("WISE") filed an Application to Intervene.

¹ Liberty Bella Vista and Liberty Rio Rico may be referred to jointly as "Liberty" or "the Company."

1 On March 31, 2016, the Santa Cruz Valley Unified School District #35 ("School District") filed
2 an Application to Intervene.

3 On April 1, 2016, Liberty filed a Notice of Filing Certification of Publication and Proof of
4 Mailing.

5 No objection to the intervention requests of WISE or the School District have been filed.

6 IT IS THEREFORE ORDERED that the **Western Infrastructure Sustainability Effort and**
7 **the Santa Cruz Valley Unified School District #35 are hereby granted intervention.**

8 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this
9 matter may opt to receive service of all filings in this docket, including all filings by parties and all
10 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
11 Commission's Hearing Division, via email sent to an email address provided by the party rather than
12 via U.S. Mail. To exercise this option, a party shall:

- 13 1. Ensure that the party has a valid and active email address to which the party has regular
14 and reliable access ("designated email address");
- 15 2. Complete a Consent to Email Service using the form available on the Commission's
16 website (www.azcc.gov) or a substantially similar format;
- 17 3. File the original and 13 copies of the Consent to Email Service with the Commission's
18 Docket Control, also providing service to each party to the service list;
- 19 4. Send an email, containing the party's name and the docket number for this matter, to
20 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
21 the Hearing Division to verify the validity of the designated email address;
- 22 5. Understand and agree that service of a document on the party shall be complete upon
23 the sending of an email containing the document to the designated email address,
24 regardless of whether the party receives or reads the email containing the document;
25 and
- 26 6. Understand and agree that the party will no longer receive service of filings in this
27 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
28 and until the party withdraws this consent through a filing made in this docket.

1 IT IS FURTHER ORDERED that a party's consent to email service shall not become effective
2 until a Procedural Order is issued approving the use of email service for the party. The Procedural
3 Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing
4 Division has verified receipt of an email from the party's designated email address.

5 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter
6 via email does not change the requirement that all filings with the Commission's Docket Control must
7 be made in hard copy and must include an original and 13 copies.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
9 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
10 in this matter is final and non-appealable.

11 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
12 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.²

13 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
14 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
15 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
16 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
17 discussion unless counsel has previously been granted permission to withdraw by the Administrative
18 Law Judge or the Commission.

19 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
20 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

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22 ...

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24 ...

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26 ² If a corporation is not represented by an attorney authorized to practice law in Arizona in a proceeding before the
27 Commission, an officer of the corporation may represent the entity as long as the board of directors has authorized such
28 person to represent it in the matter and such representation is not the person's primary duty to the entity, but secondary or
incidental to other duties relating to the management or operation of the entity, and such person is not receiving separate or
additional compensation for such representation. See Arizona Supreme Court Rule 31(d)(13). The Commission requires
entities to docket evidence of board authorization.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 17th day of May, 2016.



DWIGHT D. NODES
CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 17th day of May, 2016 to:

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